

## **REMARKS**

### **FIRST RESPONSE**

Applicants acknowledge that a response to the Final Action of July 9, 2001, would have been due on or before January 9, 2002 if accompanied by a petition for three month extension of time.

In reference to this due date, please find enclosed, Exhibit A, which contains a copy of the communication transmitted by facsimile to the Patent Office on January 8, 2002. This communication consists of:

- a facsimile cover sheet and confirmation notice;
- Notice of Appeal, including Conditional Petition for Extension of Time and Authorization to Charge Deposit Account; and
- Petition for Extension of Time Under 37 CFR § 1.136(A), including executed certificate of facsimile transmission dated January 8, 2002.

Accordingly, the response to the Office Action of July 9, 2001 was timely and the application should not have been held abandoned.

### **SECOND RESPONSE**

Applicants point out that the timely facsimile transmission referred to above provided a due date for the Appeal Brief of May 8, 2002, if accompanied with a petition for two months extension of time.

Exhibit B, annexed hereto, includes copies of the return receipt postcard, Transmittal Forms, Appeal Brief, Petition for Extension of Time, and Associate Power of Attorney, all dated May 8, 2002, as well as a copy of the Express Mail label demonstrating that the foregoing was filed on May 8, 2002.

Accordingly, the Appeal Brief and accompanying documents were filed on time.

### **CONCLUSION**

The Applicants have demonstrated that the Notice of Abandonment was in error, in view of the evidence herewith, proving that all due dates were met with the appropriate replies.

In view of this evidence, it is respectfully requested that the holding of abandonment be withdrawn, and that the application be restored to pending status.

### **CONDITIONAL PETITION FOR EXTENSION OF TIME**

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

### **ADDITIONAL FEES**

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,

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